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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Montserrat

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 29 December 2014. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Montserrat is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Adrian Derek Davis (since April 2011).

Geography: Situated in the Leeward Islands in the eastern Caribbean, 43 km south-west of Antigua and 64 km north-west of Guadeloupe. The entire island is volcanic. In July 1995, the Soufrière Hills volcano, which had been dormant for more than 400 years, erupted with devastating effects, including the destruction of the capital, causing the evacuation and relocation of about 70 per cent of the population from the southern part of the island. The effects of that eruption and subsequent lighter volcanic activity are still being felt.

Land area: 103 km².

Exclusive economic zone: 7,582 km².

Population: 5,000 (2012 estimate).

Life expectancy at birth: 79.6 years (men: 76.8 years, women: 82.4 years (2014 estimate)).

Language: English.

Capital: Plymouth, abandoned in 1997 following the volcanic eruption. A new urban centre is being developed at Little Bay, on the north-west coast of the island.

Head of territorial Government: Premier Donaldson Romeo (September 2014).

Main political parties: People's Democratic Movement; Movement for Change and Prosperity.

Elections: Most recent: September 2014; next: due in September 2019.

Gross domestic product per capita: $9,500 (2013 estimate).

Economy: Financial services, investments, construction.

Main trading partners: Canada, Japan, Trinidad and Tobago, United States of America.

Unemployment rate: 6.5 per cent (2013 estimate).

Monetary unit: East Caribbean dollar, pegged to the United States dollar (EC$ 2.70 equals $1).

Brief history: Columbus named Montserrat after a monastery near Barcelona in Spain. The first European settlers, mostly Irish, arrived in 1632. The island later became a haven for indentured Irish servants transported to the British West Indies. A major slave uprising occurred on St. Patrick's Day in 1768. In the eighteenth century, Montserrat was intermittently occupied by France, prior to its confirmation as a British Territory in 1783. It became a British Crown Colony in 1871. Following the break-up of the Federation of the West Indies in 1962, Montserrat opted for Crown Colony status rather than associated statehood.

I. Constitutional, legal and political issues

1. Under the Montserrat Constitution Order 2010, which entered into force in September 2011, Montserrat has a governor appointed by the British Crown, a cabinet and a legislative assembly. The current Governor took office in April 2011. He is responsible for internal security (including the police), external affairs, defence, public service and the regulation of international financial services. Under the Constitution, the British Crown reserves the power, with the advice of the Privy Council of the United Kingdom of Great Britain and Northern Ireland, to make laws for the peace, order and good government of Montserrat.

2. The Cabinet consists of the Premier, three other ministers, the Attorney General and the Financial Secretary. The Deputy Governor, a Montserratian appointed by the Governor, may attend meetings, but does not have the right to vote. The Cabinet is presided over by the Governor, is responsible for the general control and direction of the Government and is collectively responsible to the legislature.

3. The Legislative Assembly consists of nine members. Elections are normally held in Montserrat every five years on the basis of universal adult suffrage. In the most recent elections, held in September 2014, the Movement for Change and Prosperity, which had formed the previous Government, was defeated and the newly formed People's Democratic Movement, headed by Donaldson Romeo, won seven of the nine seats in the Assembly. In September 2014, Mr. Romeo became the Premier of Montserrat. In its final report on the September 2014 election, the Commonwealth Elections Observer Mission, which had been invited by the Governor to observe the election, made 13 recommendations pertaining to such issues as revisions of the legal framework for elections, reform of voter registration system and measures to promote the participation of women.

4. The law of Montserrat comprises primarily legislation enacted by the legislature of Montserrat, certain acts of the Parliament of the United Kingdom extended to Montserrat, orders in council made by the British Crown in the Privy Council and English common law. Montserrat falls under the jurisdiction of the Eastern Caribbean Supreme Court (High Court and Court of Appeal). The Court of Appeal is an itinerant court established under the West Indies Associated States Supreme Court Order No. 223 of 1967, whose sittings rotate among its nine members, including Montserrat. The final court of appeal for civil and criminal matters is the Judicial Committee of the Privy Council. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

5. As previously reported, addressing the Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Quito from 30 May to 1 June 2012, the then Premier of Montserrat stated that Montserrat was a fully internally self-governing Territory where all executive decisions were made by the local Cabinet of Ministers. He further stated that there was no public interest whatsoever in separating from the United Kingdom. The continuing relationship with the United Kingdom was one made by free choice and the people of the island did not see themselves as being a colonized people. He recommended that the Special Committee on Decolonization should remove Montserrat from its decolonization discussions.

II. Budget

6. The public sector in Montserrat continues to be dependent on budgetary aid from the United Kingdom, which continued to contribute approximately 60 per cent of the recurrent budget in the fiscal year 2014/15. According to the administering Power, the 2014/15 budget amounted to EC$ 114 million in recurrent expenditure. In addition to the above-mentioned contribution to the recurrent budget, the United Kingdom made available approximately EC$ 46.4 million to support capital projects for 2014/15.

7. The Territory benefits from an allocation of approximately €16 million under the tenth European Development Fund. According to the territorial Government, Montserrat has been granted an increase of almost 15 per cent under the eleventh Fund.

8. According to the administering Power, overall domestic revenues are expected to be approximately EC$ 44.7 million in 2014/15. Individual residents are taxed on their worldwide income from all sources. Tax is also levied on the chargeable income paid by any incorporated company, building society or body of persons. While companies pay tax of 30 per cent on profits, there is no capital gains tax.

III. Economic conditions

A. General

9. According to the administering Power, real gross domestic product (GDP) growth in 2014/15 is expected to be 0.82 per cent owing to Government capital projects providing some stimulus to the construction sector. The Economist Intelligence Unit put the Territory's estimated GDP for 2013 at $69.9 million. For its part, the United Kingdom continued to support the Montserrat Development Corporation in recognition of its role as a facilitator and project manager for supporting foreign and local private investment in pursuit of sustainable socioeconomic development.

B. Agriculture and fisheries

10. As a result of ongoing volcanic activity, most fertile agricultural land, pasture and fishing areas continue to be either restricted or inaccessible. In recent years, however, agricultural crop, fish and livestock production has reportedly increased. According to the administering Power, crop production was enhanced by private sector investment in hydroponic farming systems in 2014.

11. In 2014, the territorial Government continued to focus on agriculture as a key area in which to build its self-reliance policy. Initiatives included employment opportunities and greater local production, notably through backyard gardens and increased acreage being devoted to cultivation.

C. Financial services

12. Montserrat is a member of the Eastern Caribbean Central Bank, which acts as the central bank for the Territory, and is part of the Eastern Caribbean Securities Exchange and the Caribbean Financial Action Task Force, the body that monitors anti-money-laundering activities and works to counter the financing of terrorism in the region. There are various banking facilities, including two commercial entities (the Bank of Montserrat and the Royal Bank of Canada) and several international banks. There is also a credit union in the Territory and a building society.

13. In 2014, the territorial Government continued to enhance corporate governance of the international financial services industry, in cooperation with the Territory's Financial Services Commission, to regulate international banks, insurance companies, money service providers and cooperative societies.

D. Tourism

14. The redevelopment of the tourism industry continues to be a priority for the territorial Government. As previously reported, an improved ferry service with greater capacity was launched in December 2013. The ferry makes the trip between Montserrat and Antigua in about an hour, enabling Montserrat to market itself more effectively as a day-trip destination. According to media reports, some 8,000 day tourists visited the Territory in 2014. In addition, according to the territorial Government, overall visitor arrivals increased by about 10 per cent, from 14,210 in 2012 to 15,648 in 2013. According to the administering Power, efforts have been made to attract cruise ships to the island and plans are afoot to develop escorted tours to the abandoned capital, Plymouth, for those cruise ship visitors.

E. Construction

15. The physical development plan for the period 2013-2022 maps out the Government's vision for developing the northern portion of the Territory and provides a framework to help to meet the objectives set out in the sustainable development plan, addressing issues such as land availability, limited resources and infrastructure development.

16. According to the administering Power, there was significant progress in the Territory's capital development programme in 2014/15. With assistance from the United Kingdom, two geothermal exploration wells were drilled and a third is planned. In addition, continued assistance enabled the rehabilitation of large parts of the A1 road, the Territory's main artery, to a good standard. According to the administering Power, the development of Little Bay continued with the construction of a marine village, a new building for the Montserrat Social Security Fund, a national museum and a multi-purpose sports centre. Land reclamation also commenced to provide space for a commercial shopping centre.

F. Utilities and communication

17. A private company, Montserrat Utilities Ltd., distributes water and electricity in the Territory. According to the administering Power, the entire population enjoys access to the Territory's plentiful supply of good potable water and about 98 per cent of residents are connected to the water system. The water section of the company also has responsibility for sewage treatment in some areas, notably Lookout and Davy Hill.

18. For its part, the territorial Government continued in 2014 to promote the development of a national energy policy, moving away from inefficient containerized high-speed diesel generators. According to the administering Power, it is expected that sufficient geothermal energy resources will eventually be made available to meet the demand for electricity in the Territory.

19. In addition to the aforementioned enhanced ferry service, Montserrat and Antigua and Barbuda are also connected by scheduled and charter air services operated by two companies. Montserrat is a member of the Eastern Caribbean Civil Aviation Authority and of Air Safety Support International, which regulates the Territory's airspace. According to the administering Power, Air Safety Support International will soon also assume responsibility for oversight of aviation security.

20. E-mail is widely used and digital subscriber lines have been introduced. In 2014, the territorial Government continued to explore the possibility of establishing a fibre-optic link to the Territory from abroad.

IV. Social conditions

A. General

21. The volcanic crisis has had a profound effect on traditional social structures and support systems in the Territory. Many families and communities have been split up and relocated to various parts of the world. According to the administering Power, social welfare services in Montserrat continue to include monthly financial assistance, rental assistance and one-time assistance for basic items. In 2014, the United Kingdom continued to provide funding for a senior social worker to support the development of a strategic framework for integrated social services in Montserrat.

B. Labour

22. The working population of Montserrat comprises about 2,500 persons, approximately half of whom are Montserratians. Labour relations are governed by the Employment Act and the Labour Code (both revised in 2012), under which the Department of Labour provides mediation and conciliation services, with the Labour Tribunal settling disputes. The Montserrat Allied Workers Union represents workers outside of the public service. There is no minimum wage legislation.

23. The Labour Code as revised in 2012 provides for equality of treatment in employment, irrespective of an employee's race, colour, sex, religious belief, ethnic

origin, nationality, political opinion or affiliation, disability, family responsibility, pregnancy, marital status or age.

24. In 2014, the territorial Government continued to address the entrenched shortage of skilled labour by providing relocation incentives to Montserratians and granting work permits to non-Montserratians in order to meet the demand for professional and other skilled labour. The granting of work permits is covered under the Immigration Act 2002.

C. Education

25. Montserrat has educational infrastructure and services that provide full access to primary and secondary education. Compulsory education starts at age 5 and continues until age 16. According to the territorial Government, in 2014, two out of four of the primary schools and the only secondary school are public; 55 pupils graduated from the secondary school in 2014. The Ministry of Education is responsible for early childhood, primary, secondary and post-secondary education, in addition to special needs, teacher training and education support services. There are several government day-care facilities and nursery schools and a privately owned early childhood facility. Since 2013, arrangements have been made for a child-safeguarding specialist to lead the Territory's development of a multi-agency child-safeguarding framework.

26. The Montserrat Community College in Salem offers advanced academic courses for students between 16 and 18 years of age, in addition to nursing education and some technical skills courses. The University of the West Indies maintains an extramural department adjacent to the Community College. Postgraduate college students can study for a variety of long-distance degrees from the University.

27. Citizens from overseas territories enjoy the home student fee rate at British universities. In 2014/15, a student from Montserrat was awarded a Chevening scholarship to study in the United Kingdom. In addition, in accordance with the November 2013 decision the Council of the European Union on the association of the overseas countries, the European Union provides for access to, among others, horizontal European Union funds, such as those for higher education and vocational education.

D. Public health

28. The Ministry of Health is responsible for providing primary and secondary health services, including foster care, in addition to health-related policy advice in such areas as general medical care and surgical care, diagnostic testing, eye and ear care and medication. The territorial Government offers free emergency dental services for school-age children, the elderly, pregnant women and government staff, in addition to providing highly specialized health services through arrangements for a number of specialists to visit the Territory. At the same time, arrangements are in place for emergency medical evacuation to Antigua and Barbuda and Guadeloupe.

29. The Territory's health facilities include the 30-bed Glendon Hospital in St. Johns in the north, which is able to cover all routine health issues, X-rays and

minor operations, in addition to several primary care clinics. According to the administering Power, in 2014, planning was under way to expand the hospital with a grant of £8.4 million from the United Kingdom. According to the territorial Government, construction is expected to commence by the first quarter of 2015, for completion in 2017.

E. Crime and public safety

30. Under a five-year strategy, the Royal Montserrat Police Service is focusing on neighbourhood and intelligence-led policing, crime reduction and prevention, and partnership in the criminal justice system. According to the administering Power, Montserrat has a very low crime rate compared with the rest of the Caribbean.

31. According to official sources, in 2013/14, the United Kingdom funded a law enforcement adviser based in Miami, United States of America, who coordinates, manages and facilitates training and strategic advice to introduce new techniques and skills for the Territory's law enforcement agencies. Furthermore in 2014, *HMS Argyll* and *HMS Severn* were on patrol in the Caribbean and the North Atlantic to provide disaster relief and humanitarian assistance as needed. They were also engaged in counter-narcotics and interdiction patrols. Both ships made reconnaissance visits to the Territory to improve their coordination with local disaster management and security agencies.

F. Human rights

32. Under the Territory's Constitution, provision is made regarding the fundamental rights and freedoms of the individual. Major international and European human rights instruments have been extended to Montserrat.

33. For its part, the Territory's Human Rights Committee, established in 2005, helps to fulfil the Territory's reporting requirements under various international conventions, monitors the implementation of the conventions and advises the Government on matters relating to human rights. The Status of Children Act 2012, which entered into force in 2013, abolishes the legal distinction made between the status of children born within and outside marriage.

V. Environment and volcanic activity

34. Following the eruption of the Soufrière Hills volcano in 1995, an exclusion zone comprising roughly the southern two thirds of the island was established. Since the last major eruptive activity in February 2010, the volcano has been quiet and some relaxations in access to Zone C, which is part of the exclusion zone, were made in 2014, allowing 24-hour access to the zone. Work also continued on repairs to bridges, roads and culverts that had been washed away by flooding and landslides caused by the passing of Hurricane Earl in 2010.

35. According to the administering Power, Montserrat has a clearly defined institutional framework for disaster response, which in 2013 was tested in an exercise called Green Flash. A national hurricane plan, which was produced in 2013 and is revised annually, outlines the major tasks to be undertaken by the Territory's

agencies, ministries or departments as part of the national emergency management system in planning for, and responding to, tropical weather systems.

36. As previously reported, the report on sustainability in the United Kingdom overseas territories issued by the Environmental Audit Committee of the United Kingdom House of Commons in January 2014 identified financial and institutional concerns regarding threats to unique habitats and species and the protection of biodiversity in the overseas territories. With regard to Montserrat, the Committee indicated that in 2008 an environmental management bill had been introduced in the Territory to set up basic planning controls, but by December 2013 it had yet to be enacted. The Territory lacked baseline standards on development control such as statutory environmental impact assessments for major developments and strategic development plans. The report featured the case of Piper's Pond as an example of environmentally destructive development that had affected the only remaining mangrove area on the island. According to the administering Power, as at December 2014, the environmental management bill had not been enacted.

37. The United Kingdom Overseas Territories Biodiversity Strategy has been devised as a key tool to enable the United Kingdom and overseas territorial Governments to meet the relevant international obligations for the conservation and sustainable use of biodiversity. In April 2014, a report was published about ongoing and planned activities that are supported by the Department for Environment, Food and Rural Affairs, the Foreign and Commonwealth Office and the Department for International Development of the Government of the United Kingdom, as well as its statutory adviser the Joint Nature Conservation Committee, in each of the areas under the Strategy. The report covered, inter alia, activities in Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands (Malvinas),[1] Gibraltar, Montserrat, Pitcairn, Saint Helena and the Turks and Caicos Islands.

VI. Relations with international organizations and partners

38. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. According to the administering Power, the Territory continues to maintain a bilateral dialogue with the International Monetary Fund, involving the Territory's public sector, banking, business and union representatives.

39. Montserrat is a founding member of both the Caribbean Community (CARICOM) and the Organisation of Eastern Caribbean States (OECS) and a member of the institutions associated with those organizations, including the University of the West Indies, the Caribbean Development Bank and the Eastern Caribbean Central Bank, in addition to the OECS Assembly, which was established in 2012 under the Revised Treaty of Basseterre to support the legislative work of OECS. Moreover, the Territory has observer status with the Caribbean Financial Action Task Force and is a member of the Caribbean Regional Fisheries Mechanism.

40. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it. The Territory is a partne.

[1] A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

under the above-mentioned decision of the Council of the European Union which was approved, among other things, and according to the administrative Power, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the European Union in the wider world.

VII. Future status of the Territory

A. Position of the territorial Government

41. Information on the position of the territorial Government regarding the future status of Montserrat is set out in section I above.

B. Position of the administering Power

42. On 10 October 2014, at the 5th meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-ninth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was modern and based on partnership, shared values and the right of the people of each territory to choose to remain British. Should the people of a territory choose to remain British, the United Kingdom would maintain and deepen its special relationship with them.

43. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had been working closely with the territories to develop that partnership further. His Government had a fundamental responsibility to ensure the security and good governance of its overseas territories. The United Kingdom had strengthened the annual meeting with territory leaders into a Joint Ministerial Council and had given it a clear mandate to lead work to review and implement the strategy and the commitments set out in the white paper.

44. At the third meeting of the Overseas Territories Joint Ministerial Council, held in London on 2 and 3 December 2014, the United Kingdom and overseas territory leaders agreed upon a communiqué that included the following passage setting out the joint position of the United Kingdom and the overseas territories on self-determination:

> The peoples of all the Territories have the right of self-determination. For those Territories with permanent populations who wish it, the United Kingdom will continue to support requests for the removal of the Territory from the United Nations list of Non-Self-Governing Territories. Territory Governments are politically accountable to their legislatures for the exercise of devolved areas of policy. We will continue to work together to develop governmental and democratic institutions so that Territories have the greatest self-government possible, compatible with the United Kingdom's obligations in respect of its sovereign responsibilities.

VIII. Action taken by the General Assembly

45. On 5 December 2014, the General Assembly adopted resolutions 69/105 A and B without a vote, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2014 (A/69/23) and on the subsequent recommendation by the Fourth Committee. Section VII of resolution B concerns Montserrat. In that section, the General Assembly:

(a) Recalled the 2011 Constitution of Montserrat and the work of the territorial Government with respect to moving forward to consolidate the gains provided for in the Constitution;

(b) Requested the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(c) Welcomed the Territory's participation in the 2012 inauguration of the Organization of Eastern Caribbean States Assembly and in the work of that Organization and the Economic Commission for Latin America and the Caribbean;

(d) Called upon the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption.

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United States Virgin Islands

Working paper prepared by the Secretariat

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The Territory at a glance

Territory: The United States Virgin Islands is a Non-Self-Governing Territory under the Charter of the United Nations. As an unincorporated, organized territory of the United States of America, it is administered by the Office of Insular Affairs of the United States Department of the Interior.

Geography: The Territory is located in the eastern part of the Caribbean Sea, 1,075 miles south-east of the south-eastern tip of the United States and 60 miles east of Puerto Rico. It is made up of four main islands: St. Croix, St. John, St. Thomas and Water Island. The capital, Charlotte Amalie, is located on St. Thomas.

Land area: 352 km².

Exclusive economic zone: 33,744 km².

Population: 107,343 (2011 data).

Life expectancy at birth: 79.8 years (women: 83.0 years, men: 76.7 years (2014 estimate)).

Languages: English or English Creole (74.70 per cent); Spanish or Spanish Creole (16.78 per cent); French or French Creole (6.57 per cent); and other (1.95 per cent).

Capital: Charlotte Amalie.

Head of territorial Government: Governor Kenneth E. Mapp.

Territory's delegate to the United States Congress: Stacey Plaskett, elected on 5 November 2014 and sworn into office on 3 January 2015.

Main political parties: Democratic Party; Independent Citizens' Movement; Republican Party.

Elections: Most recent legislative elections held in November 2014; next elections to be held in November 2018 (Governor).

Legislature: Unicameral (15 senators).

Gross domestic product (GDP) per capita: $33,375 (2013, chained (2005) dollars).

Economy: Tourism is the primary economic activity, accounting for 80 per cent of GDP and employment. The manufacturing sector consists of petroleum refining, rum distilling, textiles, electronics, pharmaceuticals and watch assembly.

Monetary unit: United States dollar.

Unemployment rate: 13.0 per cent (November 2014 estimate).

Brief history: The islands belonged to Denmark from 1754 to 1917 (Danish West Indies). On 31 March 1917, the Government of Denmark transferred ownership to the United States. The United States Virgin Islands have since been an organized, unincorporated territory of the United States.

I. Constitutional, political and legal issues

1. The United States Virgin Islands is an organized, unincorporated territory of the United States. Under the Organic Act of the Virgin Islands (1936), its revision in 1954 and subsequent amendments to the Revised Organic Act of 1954, the Territory has a legislature, also known as the Senate, which is a unicameral body comprising 15 senators elected for a two-year term by popular vote. Executive power is vested in the Governor, who since 1970 has been elected by popular vote for a four-year term on the same ticket as the Lieutenant Governor. The Governor is limited to two consecutive terms. With the advice and consent of the Legislature, the Governor appoints the heads of the executive departments and has the power to approve or veto legislation and issue executive orders.

2. In the gubernatorial elections of November 2014, Kenneth Mapp, an independent, was elected Governor and Osbert Potter was elected Lieutenant Governor. Because no gubernatorial candidate received the absolute majority required under the Revised Organic Act, a run-off was held on 18 November 2014, two weeks after the general election, featuring Mr. Mapp, who had received 47.47 per cent of the vote, and a former congresswoman, Donna Christensen, who had received 38.23 per cent. The terms of office of Messrs. Mapp and Potter will expire in November 2018, when the next gubernatorial elections are due to be held. The Territory also elects a delegate to the United States House of Representatives, who is able to vote in committees. The Democratic Party candidate, Stacey Plaskett, won the election held in November 2014 and was elected to her first term as delegate. The Territory's senatorial elections were held on 4 November 2014.

3. The Territory's judicial system has a district court, a superior court and a supreme court, the last-mentioned becoming operational in January 2007. The Supreme Court is the appellate court that hears appeals decided by the Superior Court. Its establishment eliminated federal judicial involvement in purely local legal matters. In December 2012, the President of the United States, Barack Obama, signed House of Representatives Bill No. 6116 authorizing direct review by the United States Supreme Court of decisions made by the United States Virgin Islands Supreme Court. The legislation was sponsored by the Territory's congressional delegate.

4. Since the Organic Act of the Virgin Islands was revised by the Government of the United States in 1954, there have been four attempts to replace it with a local constitution approved by the people of the Territory, which would organize the internal mechanisms of government. Although the United States Congress authorized the adoption of a local constitution in 1976 under United States Public Law 94-584, none of the four attempts made were successful.

5. As previously reported, on 26 May 2009 the Fifth Constitutional Convention adopted a proposed constitution of the United States Virgin Islands by a two-thirds vote. It was submitted to the Governor on 31 May 2009. In a preamble and 19 articles, the 27-page text included provisions on a bill of rights; principles, branches and subdivisions of government; Virgin Islanders; elections; education; youth; taxation, finance and commerce; economic development; public health, safety and welfare; culture; environmental protection; referendums and recalls; and the creation of a political status advisory commission. Further details can be found in previous working papers.

6. On 26 February 2010, the President of the United States submitted the proposed constitution to Congress, endorsing the conclusions reached by the Department of Justice that several features of the proposed text warranted analysis and comment, including: (a) the absence of express recognition of United States sovereignty and the supremacy of federal law; (b) provisions for a special election on the territorial status of the United States Virgin Islands; (c) provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency or ancestry; (d) residence requirements for certain offices; (e) provisions guaranteeing legislative representation of certain geographic areas; (f) provisions addressing territorial waters and marine resources; (g) imprecise language in certain provisions of the proposed constitution's bill of rights; (h) the possible need to repeal certain federal laws if the proposed constitution were adopted; and (i) the effect of congressional action or inaction on the proposed constitution.

7. According to a statement made in June 2010 by the President of the Fifth Constitutional Convention before the Special Political and Decolonization Committee (Fourth Committee), in March 2010 a delegation of the Convention, led by him, had held consultations with United States congressional officials. The officials had expressed a major objection to the provision in the proposed constitution regarding the ownership by the people of the Territory of their marine resources. Another objection had related to any meaningful reference to the native population and the provision of certain benefits. As a result, the United States Congress had asked the Convention to reconvene in order to consider the administering Power's objections to the proposed constitution.

8. The President of the Convention stressed that there was no provision in the proposed constitution to alter the status of the Territory and that it would not serve as the basis for removing the United States Virgin Islands from the United Nations list of Non-Self-Governing Territories. The proposed constitution contained a relevant provision that would, upon adoption of the text, create a mechanism to examine future options with regard to political status.

9. On 11 September 2012, the Governor signed Act No. 7386 establishing and convening a body called the Fifth Revision Convention, formed by the 30 delegates elected to the Fifth Constitutional Convention along with five attorneys. The Fifth Revision Convention was convened on 1 October and mandated to ratify and approve, no later than 31 October, by a two-thirds majority vote of all the delegates, the final revised draft constitution consistent with the nine issues identified by the Government of the United States (see para. 6 above). The Act established that, if the Fifth Revision Convention agreed upon a proposed revised draft constitution by the deadline, the President of that body should have it submitted to the Governor and to the President of the United States. In case of non-adoption of the text, both the Fifth Constitutional Convention and the Fifth Revision Convention would be dissolved and the Legislature of the United States Virgin Islands would have full authority to address the Territory's constitution. As reported in the previous working paper (A/AC.109/2014/11), however, the outcome of the Fifth Revision Convention has continued to remain unclear and surrounded by controversy. In January 2013, in his State of the Territory address, the Governor expressed the hope that the Territory would find "the means and courage that will lead us from the Organic Act to a Virgin Islands constitution".

II. Budget

10. As previously reported, in his State of the Territory address for 2014, the Governor stated that the Territory would face a shortfall of $70 million by the end of the fiscal year, half of which reflected the decision by the United States Department of the Interior not to advance cover-over funds based on the full rate of $13.25 per proof gallon. According to the administering Power, the Department eventually provided the advance funds at a rate of $13.25 until the expiration date of 31 December 2013 and then used a lower rate of $10.50 for the remainder of fiscal year 2014. That decision created a shortfall of $30 million in the territorial Government's budget. Subsequently, in February 2014, following requests from the territorial Government, the Department released the remaining funds at the higher cover-over rate, albeit contingent on the passage of a bill to extend tax provisions in 2014. On 19 December 2014, the President of the United States signed into law the Expiring Provisions Improvement Reform and Efficiency Act of 2014. It extended a number of tax provisions, including the Territory's rum cover-over programme at the rate of $13.50 per proof gallon.

11. In his State of the Territory address for 2015, the newly elected Governor stated that General Fund appropriations for basic critical services and operations of the territorial Government exceeded revenues by some $91.2 million, a figure that did not include additional obligations of $176 million. He pointed out that the territorial Government was nearing the brink of financial collapse, noting that its long-term debt and debt-service obligations had more than doubled since 2007, consuming a greater share of dwindling government revenues.

12. The Government of the United States continued to provide funding for the Territory's budget, including through the American Recovery and Reinvestment Act. As at 1 May 2014, grants awarded amounted to $570,070,367, of which $510,725,557 had been received.

III. Economic conditions

A. General

13. On 19 August 2014, the United States Bureau of Economic Analysis released gross domestic product (GDP) estimates for the United States Virgin Islands for 2013, in addition to estimates of GDP and compensation by industry for 2012. The estimates were developed under the Statistical Improvement Programme funded by the Office of Insular Affairs. According to that analysis, the estimates of GDP for the Territory showed that real GDP (i.e. GDP adjusted to remove price changes) had decreased by 5.4 per cent in 2013. In contrast, real GDP for the United States (excluding the territories) had increased by 2.2 per cent. The decline in the economy of the United States Virgin Islands reflected decreases in exports of goods and in consumer spending. Visitor arrivals increased by 2.2 per cent and exports of rum by some 22 per cent. The fall in consumer spending reflected reduced expenditure on non-durable goods and on services.

14. The estimates of compensation by industry showed that the goods-producing industries were the primary source of the decrease in real GDP in 2012. The decline in those industries reflected the decline of the petroleum-refining industry. The

territorial government sector also declined, reflecting decreases in government employment and compensation.

B. Tourism

15. More than 2.5 million tourists visit annually, whether by cruise ship or by air. Cruise ship passenger arrivals for 2014 totalled 2,083,890, an increase of 4.3 per cent compared with 2013. Cruise ship calls showed an increase of 4.3 per cent compared with 2013. Air visitor arrivals totalled 730,367, an increase of 3.9 per cent compared with 2013.

C. Manufacturing and construction

16. According to the United States Bureau of Economic Analysis, which, as indicated above, released GDP estimates for the United States Virgin Islands in August 2014, the decrease in exports of goods reflected the decline of the petroleum-refining industry that for many years had played a dominant role in the economy. The Hovensa oil refinery, one of the world's largest, shut down operations on St. Croix early in 2012 (see A/AC.109/2013/10). According to information from the United States Virgin Islands Bureau of Economic Research, a large percentage of manufacturing shipments come from rum production. The rum produced is primarily exported to the United States and sold to local and regional bottlers for sale under a variety of private label and regional brand names.

D. Trade, transportation and utilities

17. The United States Virgin Islands has some 1,250 km of roadways. The Territory also enjoys one of the most natural deep-water harbours in the Caribbean and is strategically located along the Anegada Passage, a key route for ships bound for the Panama Canal. The Territory has five major docking facilities, which can accommodate cruise ships and some naval vessels. Three of the docks are on St. Croix, namely South Shore, Gallows Bay and Frederiksted. The other two are on St. Thomas, namely the facilities operated in Crown Bay by the Virgin Islands Port Authority, a semi-autonomous government agency, and the Islands-owned West Indian Company.

18. The Virgin Islands Water and Power Authority is an autonomous governmental entity of the territorial Government that produces and distributes electricity and potable water to some 55,000 electrical and 13,000 potable water customers. The Territory is implementing a plan to reduce its dependence on fossil fuels by 60 per cent over the next 15 years. The Authority is engaged in the Puerto Rico and United States Virgin Islands High Voltage Interconnection Project, interconnecting the two electrical power systems.

19. Owing to the limited freshwater supplies, salt water is used extensively for non-domestic purposes, including fighting fires and treating sewage. The Virgin Islands Water and Power Authority operates desalination units on St. Thomas, St. Croix and St. John. It also operates reverse osmosis plants. A desalination plant on St. Thomas produces some 4.5 million gallons of water per day. Wells, in particular on St. Croix, supply the remainder of the fresh water necessary. Owing to the high

cost of water, average daily consumption is about 50 gallons per person per day, about one third of the United States average.

20. In terms of communications, the Territory has some 59,000 telephones, 8,700 Internet hosts (a computer connected directly to the Internet) and a number of radio and television broadcasting stations.

E. Agriculture and fisheries

21. Historically, sugar cane and, to a lesser extent, cotton were the main sources of revenue for the Territory's economy. Currently, the agricultural sector is very small and comprises mainly fruit and vegetable cultivation and cattle-raising.

22. The Territory's Department of Agriculture has continued its farmer-focused programmes and services and worked to complete and develop new projects. It receives funding from the Agricultural Marketing Service of the United States Department of Agriculture to implement the Farmers' Market Nutrition Programme in the Territory. The Bordeaux Farmers' Market and new irrigation facilities opened officially in February 2013. Other projects include the Young Agricultural Professionals Training Programme, the "Virgin Fresh" marketing campaign and the second phase of the Farmers' Market.

IV. Social conditions

A. Labour

23. According to the Office of Management and Budget, the closure of the Hovensa refinery continued to have a devastating impact on the local economy, with the unemployment rate for the Territory as a whole recently reaching 13.7 per cent and that for the island of St. Croix reaching 17.8 per cent in January 2013. According to data from the Territory's Bureau of Economic Research, civilian employment fell by 1.2 per cent between January 2013 and November 2014, for a net loss of 509 jobs. In November 2014, the unemployment rate for the Territory was 13.0 per cent. In his State of the Territory address for 2015, the Governor acknowledged that unemployment continued to plague the Territory, standing approximately one and half times above the United States national average. He stated that his Government was committed to filling 1,000 government jobs by first targeting employment in revenue collection, law enforcement, education and health.

B. Education

24. Education in the United States Virgin Islands is compulsory and free for all children between 5 and 16 years of age. The Territory's Department of Education comprises a state education agency and two local education agencies, one for the St. Thomas-St. John District and the other for the St. Croix District. The St. Thomas-St. John District has 2 high schools, 3 middle schools and 10 elementary schools. The St. Croix District has 10 elementary schools, 3 middle schools and 2 high schools. The University of the Virgin Islands has campuses on St. Thomas and St. Croix and a combined full-time and part-time student body of some 2,500 students.

25. On 26 August 2014, the Territory's Department of Education presented a five-year strategic plan that was focused on three priorities identified through stakeholder focus groups and meetings: improving academic achievement for all students, building a positive culture within and across all schools and increasing teacher and leader effectiveness. It contained specific goals, strategies and milestones to measure progress.

C. Public health

26. The Territory's Department of Health maintains facilities on St. Thomas, St. John and St. Croix. It also maintains a long-term care facility on St. Thomas. Outreach efforts include educational, preventive and treatment services using clinics and subdivisions for maternal and child health, family planning, environmental health, sexually transmitted infections, HIV and tuberculosis, mental health and substance abuse. The Department administers 33 activity centres and 16 federal programmes under the auspices of the Office of the Commissioner and the divisions dealing with fiscal affairs, support services, public health services and health promotion and statistics.

27. Priorities and indicators for the maternal, child and adolescent health population were identified following a needs assessment conducted by the Territory's Department of Health for the 2010-2015 cycle. The transfer of Medicaid to the Department of Human Services was finalized in fiscal year 2013.

D. Crime and crime prevention

28. In his State of the Territory address for 2015, the Governor noted that providing safety and security was important to developing the Territory's economy, while pointing out the human resources shortage in the law enforcement community. He stated that the police were operating with a complete absence of technology, noting that call reports from the emergency call centre reached the police after a delay. He said that the police lacked the technology to investigate crimes, ready access to the records of driver's licenses and motor vehicle information held by the Department of Motor Vehicles, connectivity to the database of the Superior Court to access suspended driver license information and outstanding warrants and the ability to identify fingerprints found at crime scenes. He announced that a full top-to-bottom assessment of the Territory's law enforcement community would be conducted. Other actions, including pairing the police department with a major police department on the mainland, would also be taken.

V. Environmental protection and disaster preparedness

29. In the area of emergency preparedness, the Territory has continued to enhance its operations with the opening of the new headquarters of the Virgin Islands Territorial Emergency Management Agency. The consolidation of emergency call centre operations at two districts has enhanced organizational efficiency by improving responsiveness to residents at their most critical time of need. In June 2011, the Agency installed 10 all-hazards warning sirens throughout the Territory — 4 on St. Croix, 4 on St. Thomas and 2 on St. John — concentrating, in particular, on

areas considered at high risk for tsunamis. In October 2012, the Agency announced the installation of a new siren warning system, replacing faulty repeaters located on St. Croix, St. Thomas and St. John. The system is designed to warn anyone within its range of an imminent threat or danger. Eleven additional sirens will be installed. A Territory-wide test of the system was conducted in March 2014.

30. In May 2014, the Virgin Islands Territorial Emergency Management Agency hosted the ninth session of the Intergovernmental Coordination Group for the Tsunami and Other Coastal Hazards Warning System for the Caribbean and Adjacent Regions, during which the Territory was designated as "tsunami-ready", a status granted by the National Oceanic and Atmospheric Administration of the United States once specific requirements are met.

31. The United States Virgin Islands Territorial Hazard Mitigation Plan was finalized in July 2014. Its purpose is to identify strategies and action that can be taken before disaster strikes, thereby significantly reducing the human suffering, damage to property and long-term economic impact of natural hazards. The Virgin Islands Territorial Emergency Management Agency has established a hazard mitigation steering committee and three island hazard mitigation committees — one each on St. Thomas, St. Croix and St. John — to provide oversight and assist in the process of updating the Plan.

VI. Relations with international organizations and partners

32. The United States Virgin Islands is an associate member of the Economic Commission for Latin America and the Caribbean. The Territory has observer status with the Association of Caribbean States and with the Alliance of Small Island States, which serves as a platform to promote action on environmental issues, including climate change. According to information provided by the administering Power, the United States Virgin Islands received acceptance as a territorial Government with observer status at the Organisation of Eastern Caribbean States in 2009. Furthermore, in March 2014 representatives of the Territory attended the sixth meeting of the Inter-Virgin Islands Council between the British Virgin Islands and the United States Virgin Islands with a view to addressing mutual interests and challenges and to fostering and promoting cooperation between the two Territories. Topics considered included law enforcement, pleasure boating and sport fishing, cooperation in tourism, energy and utilities and cultures and education.

VII. Future status of the Territory

A. Position of the territorial Government

33. Developments regarding discussions on the future status of the United States Virgin Islands are reflected in section I above.

B. Position of the administering Power

34. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs, Jeffrey T. Bergner, elaborated on the position of the

Government of the United States. In his letter, the Assistant Secretary of State indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue, and not one that came under the purview of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. He also noted that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and no mandate to engage the United States in negotiations on their status. He further noted that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to economic, social and educational conditions in the Non-Self-Governing Territories, the federal Government submitted annual updates on United States territories to the Special Committee as a demonstration of United States cooperation as an administering Power and as a corrective to any errors in information that the Special Committee might have received from other sources.

VIII. Action taken by the General Assembly

35. On 5 December 2014, the General Assembly adopted resolutions 69/105 A and B without a vote, on the basis of the report of the Special Committee for 2014 (A/69/23) and the subsequent recommendation by the Fourth Committee. Section XI of resolution 69/105 B concerns the United States Virgin Islands. In that section, the Assembly:

(a) Welcomed the proposal of a draft constitution emanating from the Territory in 2009, as a result of the work of the United States Virgin Islands Fifth Constitutional Convention, for review by the administering Power, and requested the administering Power to assist the territorial Government in achieving its political, economic and social goals, in particular the successful conclusion of the ongoing internal Constitutional Convention exercise;

(b) Requested the administering Power to facilitate the process for approval of the proposed territorial constitution in the United States Congress and its implementation, once agreed upon in the Territory;

(c) Also requested the administering Power to assist the Territory by facilitating its work concerning a public education programme, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(d) Expressed its concern regarding the continuing negative impact of the Hovensa plant closure;

(e) Reiterated its call for the inclusion of the Territory in regional programmes of the United Nations Development Programme, consistent with the participation of other Non-Self-Governing Territories;

(f) Welcomed the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

(g) Noted the holding, in March 2014, of the meeting of the Inter-Virgin Islands Council between the Territory and the British Virgin Islands.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Turks and Caicos Islands

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 29 December 2014. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: The Turks and Caicos Islands is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Peter Beckingham (October 2013).

Geography: The Territory, which comprises 40 islands and cays, lies 145 km north of Haiti and the Dominican Republic and 925 km south-east of Miami, United States of America. Six islands are permanently inhabited: Grand Turk, where the capital is located; Providenciales, the business and tourist centre with the great majority of the population; North Caicos; Middle Caicos; South Caicos; and Salt Cay.

Land area: 948.2 km^2.

Exclusive economic zone: 154,068 km^2.

Population: 31,458 (2012 census), comprising 42.5 per cent citizens, or "belongers", and 57.5 per cent immigrants, or "non-belongers", from the region, North America and Europe.

Life expectancy at birth: 79.6 years (women: 82.4 years, men: 76.8 years (2014 estimate)).

Language: English.

Capital: Cockburn Town.

Head of territorial Government: Rufus Ewing (November 2012).

Main political parties: Progressive National Party, People's Democratic Movement.

Elections: Most recent: 9 November 2012; next: due by January 2017.

Legislature: House of Assembly.

Gross domestic product per capita: $16,500 (2012 estimate).

Economy: Tourism, financial services, construction.

Unemployment rate: 8.5 per cent (2012 estimate).

Monetary unit: United States dollar.

Brief history: The first inhabitants of the islands were the Arawakan-speaking Taino people. In 1799, the islands were annexed by Great Britain as part of the Bahamas and subsequently Jamaica. They became a separate colony of the United Kingdom in 1962, when Jamaica achieved independence, although there were close constitutional ties with the Bahamas. After the Bahamas became independent, in 1973, a governor replaced the former administrator for the Turks and Caicos Islands.

I. Constitutional, legal and political issues

1. The Turks and Caicos Islands Constitution Order 2011, which entered into force on 15 October 2012, provides for a governor as the head of the Government, a house of assembly composed of elected and appointed members and the Attorney General, a cabinet and ministers appointed from among those elected or appointed members.

2. According to the administering Power, the 2011 Constitution also provides for the judiciary, the public service and a number of institutions protecting good governance, notably an integrity commission, a human rights commission, an auditor general and a director of public prosecutions. Provisions are also made in relation to Crown land and public financial management. Under the Order, the British Crown reserves the power, with the advice and consent of the Privy Council of the United Kingdom of Great Britain and Northern Ireland, to make laws for the peace, order and good government of the Territory.

3. The Governor, appointed by the British Crown, is responsible for external affairs, defence, internal security, including the police force, and some public service matters.

4. The legislature, the House of Assembly, comprises the Speaker, 15 elected members, four appointed members and the Attorney General. Ten members are elected to represent one electoral district each, and the remaining five by Territory-wide vote.

5. The law of the Territory consists mainly of locally enacted statutes, along with some laws enacted in the United Kingdom and English common law. The court system includes magistrates' courts, the Supreme Court and the Court of Appeal, with ultimate recourse to the Judicial Committee of the Privy Council. On the advice of a judicial service commission, the Governor appoints magistrates and the judges of the Supreme Court and the Court of Appeal.

6. According to the administering Power, the recent past has seen political turbulence in the Turks and Caicos Islands. The Territory operated on the basis of a ministerial system of government under the 2006 Constitution negotiated between the elected territorial Government and the United Kingdom until 14 August 2009, whereupon the United Kingdom brought into force legislation that, among other things, temporarily suspended parts of the Constitution, thereby removing the Government and the House of Assembly. The United Kingdom stated that that action had been motivated by mounting evidence of systemic corruption in the territorial Government and legislature and among public officers, which was uncovered by a commission of inquiry established in July 2008.

7. Between August 2009 and November 2012, the Governor, who was given extended powers, worked under interim constitutional arrangements with an advisory council and a consultative forum. Each was constituted by islanders appointed by the Governor. The arrangement was referred to as the "interim Government", the "interim Administration" or "direct rule".

8. Coinciding with the suspension of parts of the 2006 Constitution in 2009, an economic downturn and austerity measures required to "balance the books" and to ensure that public services in the Territory could continue to function led to some layoffs in the public sector. According to the administering Power, that generated a

degree of resentment among some residents who perceived them as a direct result of the intervention by the United Kingdom.

9. In 2011, the United Kingdom passed a new constitution for the Turks and Caicos Islands, the Territory's fifth since 1962. It added a variety of good governance initiatives and measures to ensure the sound management of the public finances.

10. The interim Administration came to an end on 9 November 2012 when elections were held. With an 84 per cent turnout of voters, the Progressive National Party, which had been in office when the previous Government had been removed in 2009, won eight seats, while the People's Democratic Movement won seven seats. The leader of the Progressive National Party, Rufus Ewing, was sworn in as Premier on 13 November 2012, returning elected government rule to the Territory.

11. In February 2013, the Caribbean Community noted with grave concern that, although the elections of November 2012 had led to the restoration of representative government in the Territory, the overall state of political affairs remained less than desirable and the restoration of true democracy was still a far way off. It dispatched a ministerial fact-finding mission to the Territory in June 2013. According to media reports, the mission's internal report contained a number of recommendations, including the holding of a referendum on the acceptance of British rule under the current constitution. In March 2014, the Heads of Government of the Community received an update on the situation, undertaking to continue to monitor it and expressing their support for the full restoration of democracy in the Territory on terms driven by its people. Furthermore, they said that they continued to look forward to a response from the Government of the United Kingdom to the mission's report.

12. For its part, in September 2013 the House of Assembly established an eight-member constitutional review committee, which comprised representatives of the territorial Government, the opposition and the public and was mandated to review the 2011 Constitution, hold consultations with the public and make recommendations by 15 November 2014 to the House for constitutional changes to be debated and ratified for onward submission to the Foreign and Commonwealth Office of the United Kingdom.

13. In its report submitted to the Premier in November 2014, the Committee made a series of recommendations relating to most parts of the 2011 Constitution, which included the reinstatement of the automatic right to trial by jury enshrined in the 2006 Constitution, the inclusion of a requirement that the Premier be a Turks and Caicos Islander, the repeal of the provision disqualifying someone from running for Premier after serving two consecutive terms in that post and the removal of the reference to the Office of the Chief Financial Officer. With regard to a referendum on independence, the Committee stated that it was a matter for the political hierarchy and not within its terms of reference.

14. According to media reports, the report of the Committee was submitted by the Premier for discussion by the House of Assembly in December 2014. As at February 2015, it was under debate by the House.

II. Budget

15. The territorial Government achieved an unaudited surplus of $25.6 million in the financial year 2013/14 ($11.4 million above the approved budget projection of $14.2 million). In addition, the actual performance for the budget cycle included recurrent revenue of $200.3 million, recurrent expenditure of $154.6 million and capital expenditure of $9.7 million. According to the administering Power, the significant improvement in recurrent revenue performance is particularly tied to improvements in the general economy.

16. As to the 2014/15 budget, the approved recurrent revenue target is $212.4 million, the expenditure target $173.9 million and the capital expenditure target $12.8 million, according to the administering Power. The surplus is projected at $18.4 million, which is expected to be achieved with the continuation of the tight fiscal management strategies.

17. The territorial Government levies no corporate or personal income, capital gains or inheritance tax. Foreign corporations pay licence fees to operate in the Territory. In 2014, lack of support from the House of Assembly meant that a potential payroll tax was not implemented.

18. The Territory has access to both the tenth and eleventh European Development Funds for its budget support. As at December 2013, $19 million of the earmarked $298 million from the eleventh Fund had been awarded to the Territory.

III. Economic conditions

A. General

19. The main sectors of the economy are tourism and financial services. According to the Economist Intelligence Unit, the Territory's gross domestic product (GDP) in 2014 was estimated to be $829.2 million, up from $793.2 million in 2013. According to the territorial Government, the real growth of the economy in 2013 was 1.32 per cent, which was in part affected by the weaknesses in tourism activity. According to the administering Power, however, real GDP growth was expected to rise to 4.6 per cent in 2014.

20. In June 2014, the Territory received its first sovereign credit rating of BBB+ by Standard and Poor's. According to the administering Power, the rating represented a milestone for the Territory in view of its turbulent financial past. Standard and Poor's also forecasted that the Territory's GDP would grow by an average of 3 per cent over the coming three years, citing the effects of several tourism projects.

B. Tourism and construction

21. Tourism continues to be the Territory's primary industry, accounting for more than 40 per cent of its GDP. Both foreign investors and visitors, mainly from Canada, the United Kingdom and the United States of America, play a significant role. According to the Economist Intelligence Unit, strong overall growth in the number of tourist arrivals continued in the first half of 2014, boosting first-half

year-on-year growth to 35 per cent, with stopover arrivals rising by 25 per cent and cruise ship arrivals also increasing by 40 per cent compared with the same period in 2013. The vast majority of stopover tourists continue to be accommodated at resorts on Providenciales.

22. In 2013, the territorial Government approved a tourism policy strategy to promote intra-island and intraregional travel of tourists visiting the Turks and Caicos Islands. The territorial government estimates that the number of stopover visitors in 2013 fell by 0.4 per cent and the number of visitors from Canada, the second-largest source market, by 16.1 per cent.

23. Construction output is closely linked to capital investment in the tourism sector. According to the administering Power, construction activity is expected to increase significantly in 2015 as a result of foreign direct investment in large-scale tourism-related projects, including the construction of a $100 million luxury resort approved by the territorial Government in 2014, and of a number of public roadworks.

C. Financial services

24. International financial services, including company registration, trust business and insurance, are a major source of external revenue for the Turks and Caicos Islands. The Territory's financial services sector is centred on automobile industry reinsurance in the United States. There are seven commercial banks in the Territory, three of which are Canadian. The licensing, supervision and development of the international financial services sector are entrusted to the Turks and Caicos Islands Financial Services Commission, which also provides a centralized service for registering companies, partnerships, trademarks and patents in the Territory. According to the Commission's annual report covering the period from April 2013 to March 2014, the industry remains strong, with the asset base of the banking sector growing by 3 per cent to $1.8 billion. The Territory has also seen continued growth in its international insurance sector, with a total of 7,040 active international insurance licences, representing an increase of 12.5 per cent compared with the previous period.

25. According to the administering Power, the territorial Government continues to seek treaty partners for tax information exchange agreements. In December 2013, the Territory signed the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information based on article 6 of the Convention on Mutual Administrative Assistance in Tax Matters. The Territory has also signed agreements under the Foreign Account Tax Compliance Act with the United Kingdom and the United States.

26. Furthermore, according to the administering Power, the final report of the national risk assessment with regard to money-laundering and terrorist financing, led by the Attorney General's Chambers with support from the Financial Services Commission, is expected to be produced by June 2015.

D. Agriculture and fisheries

27. Agriculture and fisheries account for less than 1 per cent of the Territory's GDP. Agricultural production is limited by the lack of fresh water and consists mainly of the growing of vegetables and citrus fruits on the Caicos Islands. According to the administering Power, there are no large or medium commercial producers for either crops or livestock, with the exception of small farms and one pig farm of note.

28. Fishing is the Territory's main primary sector industry. A recent pelagic fishing study found that the Territory was producing as much as 5,000 pounds of tuna, swordfish, mahimahi and other deep-water fish per year for the local and export markets.

E. Communications and utilities

29. The Territory's transport and communications facilities are of fairly good quality. The road network covers about 120 km, with 24 km of paved roads on Grand Turk, Providenciales and the Caicos Islands.

30. The Territory has three international airports: the main one on Providenciales and smaller ones on Grand Turk and South Caicos. Flights are available to the Bahamas, Canada, Cuba, the Dominican Republic, Haiti, Jamaica, the United Kingdom and the United States. Phase II of the Providenciales Airport project was reportedly completed as scheduled at the end of December 2014. The terminal building was significantly enlarged, with an expanded departure lounge and a larger immigration hall, among other improvements. The project also included a new road traffic circulation system and car park.

31. The main commercial port of South Dock is situated on Providenciales. Grand Turk has a commercial port and a cruise ship terminal. North Caicos has a deep-water port.

32. Three telecommunications companies provide national and international telephone services in the Territory. There are a handful of cable television channels on Grand Turk, more than two dozen channels on Providenciales and six radio stations. A number of weekly newspapers also maintain websites.

33. According to official sources, the Territory has a monopoly supplier of electricity that produces electricity exclusively from diesel-powered generators. Numerous studies have indicated that, owing to the excessive cost of electricity generation, solar and wind technologies would not only be economically viable, but also offer a less-expensive alternative for private individuals. Given the Territory's abundant solar and wind resources, the territorial Government has recently begun to explore the use of those renewable energies. In February 2014, it announced its commitment to supporting long-term plans to move the Territory towards sources of renewable energy.

IV. Social conditions

A. General

34. In its 2012 preliminary census report, the Territory noted that, of the total population of 31,458, 16,037 (51 per cent) were men and 15,421 (49 per cent) were women. Some 74 per cent of the total population were over 18 years of age. According to official information, people from approximately 70 countries live in the Turks and Caicos Islands.

35. The Turks and Caicos Islands National Insurance Board, a statutory body of the territorial Government, is the sole provider of social insurance benefits to persons between 16 and 65 years of age who are gainfully employed within the Territory.

36. According to the 2012 *Turks and Caicos Islands Country Poverty Assessment Report*, 22 per cent of the population and 16 per cent of households were living in poverty, compared with 26 per cent and 18 per cent, respectively, in 1999. On the other hand, the number of people living in poverty in 2012 was much higher (approximately 6,800) than it was in 1999 (around 3,900), owing to the high level of population growth since 1999. The Department of Social Development and Gender Affairs continues to assist the poor and vulnerable through various programmes, including free medical care, in partnership with the Ministry of Health and Human Services.

37. The territorial Government decided in 2013 to prepare a young adult empowerment policy with a number of goals that it hoped to achieve by 2020, including a significant increase in the percentage of young islanders being employed in a managerial position, owning a first home by 35 years of age, owning a business, gaining access to tertiary education and having a certified employable skill.

B. Labour and immigration

38. The public sector continues to be the Territory's main employer. Other employment sectors include tourism, construction and international financial and business services.

39. Data from the 2012 preliminary census report indicate that immigrants accounted for 57.5 per cent of the population aged 18 and older. The rate of growth is much higher than that of citizens.

40. According to the administering Power, the Territory has put in place since 2012 a transparent and simplified system to obtain British overseas territory citizenship and Turks and Caicos Islander status. It has also introduced guidance on and amendments to its immigration ordinance.

41. According to the administering Power, while border security remains a concern, the commissioning of a coastal radar station, coupled with diplomatic engagement with countries of origin as well as the working relationships with the marine branch of the police and other response agencies, has proved to be an important tool in the interception and screening of persons seeking to cross borders via sea.

42. According to the administering Power, incremental improvements are being made with regard to the issuance of work permits and the finding of job placements for locals seeking employment in the local labour market.

C. Education

43. Education in the Territory is free and compulsory for children from 4 to 16 years of age. There are 47 schools, with a total enrolment of approximately 5,200 pupils, covering preschool to tertiary education. Of those, 14 are run by the territorial Government; 10 are primary schools and 4 are secondary schools. While there are more private schools than public schools, approximately 80 per cent of pupils are enrolled in public schools. According to the administering Power, there are two schools for children with special needs. The adult literacy rate among islanders is estimated at 98 per cent, while that of immigrants is much lower.

44. In 2014, the Territory completed the development of a five-year education sector plan. An initial study, undertaken with the support of the United Nations Children's Fund, identified strategic priority areas, including provision of additional school places, leadership and management, teachers' professional expertise, curriculum development, technical and vocational training, and tertiary and continuing education.

45. According to the administering Power, as part of addressing the need for additional school places at the high school level, the Government allocated $1.6 million to the first phase of the development of a new high school on Providenciales. Work is scheduled to begin before the end of the 2014/15 financial year so as to reduce overcrowding at what is currently the only public high school on the island.

46. According to the administering Power, as part of its strategic priorities, the territorial Government is also working with the Caribbean Examinations Council to begin preparations for the introduction of vocational certification, with the aim of creating a pathway other than purely academic streams for children.

47. With regard to higher education, a community college with branches on Grand Turk and Providenciales, the Turks and Caicos Islands Community College, provides two-year and four-year courses. According to the administering Power, having completed its own five-year strategic plan, the College identified priority areas, which included strengthening its leadership and administration and expanding programme offerings to reflect the Territory's development needs. The College is also expected to strengthen its technical and vocational programmes by providing certification in those areas.

48. Citizens from the overseas territories benefit from the home student fee rate at British universities. In addition, the European Union provides for access to, among others, horizontal European Union funds, such as those for higher and vocational education.

D. Public health

49. According to the administering Power, medical facilities in the Turks and Caicos Islands have been improved in recent years with the opening of new hospital

facilities operated by Interhealth Canada on Providenciales and Grand Turk. They conduct a range of activities, including diagnostic services, family practice and outpatient specialty clinics, emergency services and inpatient care. Serious cases are referred overseas, regionally to Jamaica, the Dominican Republic or the Bahamas. If the service is not available regionally, serious cases are referred outside the Caribbean. As previously reported, in 2014 the territorial Government formed a medical tourism steering committee to develop policies for the operation of medical tourism activities in the hospitals on Providenciales and Grand Turk.

50. Primary health-care facilities are operated by the Primary Health Care Department on all islands. According to the administering Power, all facilities have the appropriate medical supplies.

E. Crime and public safety

51. The crime rate in the Turks and Caicos Islands remains low. While offences consist mainly of theft and burglary, there is also some violent crime, such as armed robbery and sexual assault. According to the administering Power, few incidents of gang-culture crime were reported in 2014. Also according to the administering Power, there continued to be numerous illegal migrant sloop landings and interdictions of such landings in 2014. The number of drug seizures within the Territory remains low.

52. In 2014, HMS *Argyll* was in the Caribbean as part of the Royal Navy's Atlantic Patrol Tasking North, which provides a British maritime presence and crisis communications in the region throughout the year. During hurricane season, a Royal Navy ship is on standby to provide humanitarian support to Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat and the Turks and Caicos Islands. During her time in the Caribbean, HMS *Argyll* worked with other regional navies and coastguards to combat illegal activities on the high seas.

53. As previously reported, a large criminal investigation by the Special Investigation and Prosecution Team, appointed during the interim Administration when the Governor ruled directly after parts of the Constitution were suspended, resulted in 14 people (including a former Premier and Cabinet ministers) being charged with serious criminal offences. According to the administering Power, the trials are due to begin in 2015. The former Premier, Michael Misick, faces charges of conspiracy to receive bribes, conspiracy to defraud the Government and money-laundering relating to his time in office. He was arrested in Brazil in 2012 and extradited to the Turks and Caicos Islands in 2014. He was released on conditional bail by the Supreme Court in January 2014.

54. There were moves in the House of Assembly in 2014 to repeal the Trials without a Jury Ordinance 2010 that was enacted as subordinate legislation to the 2011 Constitution which, according to the administering Power, does not contain an automatic right to trial by jury. According to the administering Power, the Ordinance provides for a right to trial by jury, but that right could be waived under certain circumstances, resulting in a trial being conducted and a determination of guilt or innocence being made by a judge alone.

55. Counsel for those charged following the investigation by the Special Investigation and Prosecution Team contended that the right to a fair trial under the

Constitution was being infringed by the Jamaican judge hearing the case, Paul Harrison, arguing that he was not independent or impartial because of the terms and conditions under which he was appointed. The appeal is set to be heard by the Judicial Committee of the Privy Council in London.

56. According to the administering Power, the Special Investigation and Prosecution Team continues its work under the direction of the local police and the Director of Public Prosecutions.

F. Human rights

57. In addition to the Convention for the Protection of Human Rights and Fundamental Freedoms, major international human rights instruments have been extended to the Turks and Caicos Islands. The right of individual petition to the European Court of Human Rights also has been indefinitely extended to the Territory.

58. To strengthen the human rights framework in the Territory, the 2011 Constitution included a preamble in which the people of the Turks and Caicos Islands affirmed their intention to commit to the democratic values of a just and humane society pursuing dignity, prosperity, equality, love, justice, peace and freedom for all. In addition, according to the administering Power, the section on fundamental rights provided a more comprehensive legal framework and a more inclusive framework in respect of the scope of the rights and its procedural guarantees than the previous 2006 Constitution and added sexual orientation as a protected right.

59. The Human Rights Commission was established in 2008 as one of the institutions for the protection of good governance under the framework set out in the 2011 Constitution. Its primary responsibility is to promote understanding and observance of human rights. Its operation and functions are governed by subordinate legislation under the Turks and Caicos Islands Human Rights Commission Ordinance 2013.

60. Building on the comprehensive review of local laws conducted in 2012 to identify weaknesses in the legislation for compliance with the Convention on the Elimination of All Forms of Discrimination against Women, recommendations were incorporated into bills that, according to the administering Power, are under consideration by the House of Assembly and expected to be enacted early in 2015. According to the administering Power, however, there remains work to be done to strengthen criminal legislation to protect women.

61. The Equalities Ordinance 2012 is in effect and offers protection from discrimination additional to that contained in the 2011 Constitution, identifying the protected characteristics of age, disability, marriage, political opinion, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

V. Environment

62. The Territory's Department of Environment and Maritime Affairs is responsible for the conservation, protection and management of the Territory's

natural resources, including wetlands, which cover nearly half of the surface of the islands. Most of the Territory's tourism-based economy hinges on maintaining a natural environment of high quality. While Providenciales and, to a lesser extent, Grand Turk are undergoing rapid development, many of the other islands, such as North Caicos, Middle Caicos and South Caicos, are experiencing less development. East Caicos remains largely untouched and ecologically intact.

63. The Department requires an environmental impact assessment to be conducted for all development projects to ensure that such development will not cause undue damage to the environment and that the best options are taken into account and/or inevitable impacts are mitigated. According to the administering Power, careful attention is given to the delicate balance between development and environmental preservation.

64. The Territory regularly participates in regional meetings sponsored by the Caribbean Regional Fisheries Mechanism, at which planning for sustainable fisheries and disaster risk management are discussed along with climate change issues. The administering Power also continues to provide funds for projects focused on environmental sustainability.

65. According to the administering Power, the Territory also participates in meetings organized by the Caribbean Environment Programme of the United Nations Environment Programme, at which issues pertaining to protected areas, wildlife, land-based pollution and oil spills, among others, are discussed.

66. The United Kingdom Overseas Territories Biodiversity Strategy has been devised as a key tool to enable the United Kingdom and overseas territorial Governments to meet the relevant international obligations for the conservation and sustainable use of biodiversity. In April 2014, a report was published about ongoing and planned activities that are supported by the Department for Environment, Food and Rural Affairs, the Foreign and Commonwealth Office and the Department for International Development of the Government of the United Kingdom, as well as its statutory adviser the Joint Nature Conservation Committee, in each of the areas under the Strategy. The report covered, inter alia, activities in Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands (Malvinas),[1] Gibraltar, Montserrat, Pitcairn, Saint Helena and the Turks and Caicos Islands.

VI. Relations with international organizations and partners

67. The Turks and Caicos Islands is an associate member of the Economic Commission for Latin America and the Caribbean, including the Commission's Caribbean Development and Cooperation Committee.

68. The Territory is an associate member of the Caribbean Community. It is also a member of the Caribbean Development Bank, the International Criminal Police Organization and the Caribbean Financial Action Task Force. Furthermore, it is a member of the Caribbean Regional Fisheries Mechanism and an associate member of the Association of Caribbean States.

[1] A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

69. As a Non-Self-Governing Territory of the United Kingdom, the Territory is associated with the European Union but not a part of it. Since January 2014, the Territory has been a partner under decision 2013/755/EU of the Council of the European Union of 25 November 2013 on the association of the overseas countries and territories with the Union, approved, inter alia, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the Union in the wider world.

VII. Future status of the Territory

A. Position of the territorial Government

70. Information on political, legal and constitutional developments is contained in section I above.

B. Position of the administering Power

71. On 10 October 2014, at the 5th meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-ninth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was modern and based on partnership, shared values and the right of the people of each territory to determine whether to remain British. Should the people of a territory choose to remain British, the United Kingdom would maintain and deepen its special relationship with them.

72. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had been working closely with the territories to develop that partnership further. His Government had a fundamental responsibility to ensure the security and good governance of its overseas territories. The United Kingdom had strengthened the annual meeting with territory leaders into a Joint Ministerial Council and had given it a clear mandate to lead work to review and implement the strategy and the commitments set out in the white paper.

73. At the third meeting of the Overseas Territories Joint Ministerial Council, held in London on 2 and 3 December 2014, the United Kingdom and overseas territory leaders agreed upon a communiqué that included the following passage setting out the joint position of the United Kingdom and the overseas territories on self-determination:

> The peoples of all the Territories have the right of self-determination. For those Territories with permanent populations who wish it, the United Kingdom will continue to support requests for the removal of the Territory from the United Nations list of Non-Self-Governing Territories. Territory Governments are politically accountable to their legislatures for the exercise of devolved areas of policy. We will continue to work together to develop governmental and democratic institutions so that Territories have the greatest self-

government possible, compatible with the United Kingdom's obligations in respect of its sovereign responsibilities.

VIII. Action taken by the General Assembly

74. On 5 December 2014, the General Assembly adopted resolutions 69/105 A and B without a vote, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2014 (A/69/23) and the subsequent recommendation by the Fourth Committee. Section X of resolution 69/105 B concerns the Turks and Caicos Islands. In that section, the Assembly:

(a) Expressed its support for the full restoration of democracy in the Territory and the work of the Constitutional Review Committee in that regard, and noted the efforts of the administering Power to restore good governance, including through the introduction in 2011 of a new constitution and the holding of elections in November 2012, and sound financial management in the Territory;

(b) Noted the positions and repeated calls of the Caribbean Community and the Movement of Non-Aligned Countries in support of a democratically elected territorial Government and of the full restoration of democracy in the Territory as decided by its people;

(c) Also noted the continuing debate on constitutional reform within the Territory, and stressed the importance of participation by all groups and interested parties in the consultation process;

(d) Stressed the importance of having in place in the Territory a constitution that reflected the aspirations and wishes of the people of the Territory, based on the mechanisms for popular consultation;

(e) Requested the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(f) Welcomed the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

(g) Also welcomed the continuing efforts made by the territorial Government addressing the need for attention to be paid to the enhancement of socioeconomic development across the Territory, including through public-private consultative partnerships and small business development programmes.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

American Samoa

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 14 January 2015. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: American Samoa is a Non-Self-Governing Territory under the Charter of the United Nations. It is an unincorporated and unorganized territory of the United States of America, administered by the Office of Insular Affairs of the United States Department of the Interior.

Representative of administering Power: United States Department of the Interior, which has a representative resident on the ground.[a]

Geography: Located in the South Pacific, approximately 3,700 km south-west of Hawaii and 4,350 km north-east of Australia. The Territory consists of seven islands: Tutuila and Aunuu, in addition to Ofu, Olosega and Ta'u (known as the Manu'a Islands) and the two coral atolls of Swains and Rose.

Land area: 200 km².

Exclusive economic zone: 404,391 km².

Population: 55,170 (2013 estimate).

Life expectancy at birth: 75.9 years (female); 69.3 years (male).

Ethnic composition: Native Pacific Islander (92.6 per cent); Asian (3.6 per cent); white (0.9 per cent); other ethnic origin (2.9 per cent).

Languages: English, Samoan.

Seat of Government: Fagatogo.

Head of territorial Government: Governor Lolo Letalu Matalasi Moliga.

Main political parties: Democrat, Republican.

Elections: The most recent elections were held in November 2014 to elect the delegate to the United States House of Representatives and 20 members of the American Samoa House of Representatives. The next elections are due to be held in November 2016 for the Governor and Lieutenant Governor, the delegate to the United States House of Representatives and 20 members of the American Samoa House of Representatives.

Legislature: Fono (bicameral legislative assembly).

Gross domestic product per capita: $8,942 (2005 chained dollars; 2013 estimate).

Economy: Fishing and agriculture.

Unemployment rate: 9.2 per cent (2012 estimate).

Monetary unit: United States dollar.

Brief history: It is believed that the Samoan archipelago was settled some 3,000 years ago by people migrating from South-East Asia. The Dutch were the first Europeans to reach the islands, in 1722. The 1899 Treaty of Berlin, also known as the Anglo-German Samoa Convention, apportioned to the United States the eastern islands of the Samoan archipelago.

[a] Secretary's Order 2657 of 29 August 1951 and Secretary's Order 3009, as amended, of 3 November 1977, set forth the extent and nature of the authority of the Government of American Samoa and the manner in which the authority is to be exercised (see the Electronic Library of Interior Policies, United States Department of the Interior).

I. Constitutional, legal and political issues

1. By the late 1800s, internal strife among the chiefs of the islands of the Samoan archipelago and struggles among the colonial Powers of Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America led to a period of instability. Deeds ceding the islands to the United States from the early 1900s were accepted by an Act of the United States Congress on 20 February 1929. Pursuant to that Act, American Samoans were given the status of United States nationals. The Act provided for an American Samoan Government with all civil, judicial and military powers to be vested in a designee of the President of the United States. Given that the United States interest in the area had been mainly military, the Territory was placed under the jurisdiction of the United States Navy. On 29 June 1951, Executive Order 10264 of the President of the United States transferred administrative responsibility for the Territory to the Department of the Interior.

2. American Samoa is an unincorporated and unorganized territory under United States law. Not all provisions of the Constitution of the United States or of United States law apply. Residents of American Samoa are not United States citizens but United States nationals who can freely enter the United States and work or reside anywhere they choose. Children born in the Territory to foreign parents become citizens of either the mother's or the father's country of origin, not United States nationals. American Samoans may not vote in general elections in the United States but are permitted to participate in presidential primaries and caucuses.

3. The Constitution of the Territory provides for separate executive and legislative branches and an independent judiciary. The executive branch comprises a governor and a lieutenant governor elected for four-year terms by universal adult suffrage. All American Samoans over 18 years of age are eligible to vote. The Governor is responsible for executing both American Samoan and United States laws and has veto power with regard to legislation passed by the Fono, the legislature of the Territory.

4. The Fono is a bicameral legislature, comprising the Senate, whose 18 members are chosen by 14 tribal councils, and the House of Representatives, 20 of whose members are elected by popular vote, with the other appointed as a non-voting delegate from Swains Island. Only a *matai*, the traditional chief of an *aiga*, which is an extended family, can become a senator. Senators hold office for a four-year term and representatives for a two-year term. The Fono may pass laws with regard to all local affairs, provided that they are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

5. The judicial system consists of a high court, for which the Chief Justice and the Associate Justices are appointed by the United States Secretary of the Interior, and the local district and village courts, for which the judges are appointed by the Governor. The High Court is separated into appellate, trial, land and titles and family, drug and alcohol divisions. The United States Congress has granted limited federal jurisdiction to the High Court to hear certain cases involving federal statutory issues. Examples of federal judicial power delegated to the High Court include the authority to decide occupational safety and health administration issues and ship mortgage actions in American Samoa. Other matters of federal law arising in the Territory are adjudicated in the United States district courts, mainly the

federal courts in Hawaii and Washington, D.C. Given that American Samoa is not part of a United States federal judicial district or circuit, there are no statutory provisions for appealing against decisions of the High Court to a federal district court.

6. The 1960 Constitution of American Samoa was revised in 1967 and subsequently amended in 1970 and 1977. Any amendments or modifications to the Constitution of American Samoa, as approved by the United States Secretary of the Interior, may be made only by an Act of the United States Congress. In 2008, a referendum that would have revised an aspect of the Constitution was narrowly defeated. The June-July 2010 Constitutional Convention proposed amendments or revisions to the current Constitution, including those relating to the prohibition of further individualization of communal lands in the Territory, the establishment of an impartial jury in all criminal prosecutions, the enhancement of the Samoan language and culture in the educational system, the management and preservation of the natural resources of the Territory in accordance with local laws and the provision for an impeachment of the leaders of the Territory. At the general election held in November 2010, however, the voters overwhelmingly defeated the proposed changes.

7. At the general elections held in November 2012, voters chose a new Governor, independent candidate Lolo Letalu Matalasi Moliga. In November 2014, voters elected 20 members of the American Samoa House of Representatives and the delegate to the United States House of Representatives (see para. 8). A constitutional referendum was held during the general elections held in November 2014, proposing an amendment to the revised Constitution to allow the Fono to override vetoes by the Governor. Voters rejected the proposal.

8. Since 1981, American Samoa has elected by direct vote a delegate to the United States House of Representatives for a two-year term. The delegate may vote in committees. In the general election held in November 2014, Aumua Amata Radewagen defeated the incumbent, Eni F. H. Faleomavaega, to become the first female delegate of American Samoa to the United States House of Representatives.

9. On 26 June 2013, the United States District Court for the District of Columbia dismissed a lawsuit filed by five non-citizen United States nationals born in American Samoa and the Samoan Federation of America (*Tuaua v. United States*) seeking a declaratory judgement that would assert that the citizenship clause of the Fourteenth Amendment extends to American Samoa. As stated in paragraph 2 above, American Samoa is an unincorporated territory, meaning that people born there are not conferred birthright citizenship. In 2014, an appeal was filed before the United States Court of Appeals for the District of Columbia Circuit and oral arguments were presented on 9 February 2015. A decision is expected during the first quarter of 2015.

10. Addressing the United States House of Representatives on 27 June 2013, the delegate from American Samoa expressed thanks to the Court for what he termed its well-reasoned opinion and for reaffirming the authority of Congress to grant citizenship to the people of American Samoa. In his view, the decision would allow the people of American Samoa to decide whether they wished to become citizens. In a letter addressed to the territorial Governor and the Fono in April 2013, he had stated that the lawsuit posed a threat to the traditional culture of American Samoa and that it was unknown whether the entire Constitution of the United States would

apply to American Samoa if the Court applied the citizenship clause to it. He had also said that, if people who were born in American Samoa automatically became United States citizens, the United States would likely take control of the immigration system in American Samoa. He had affirmed that it was important that the people of American Samoa, and not the Court, should decide whether they wished to become United States citizens by birthright.

11. According to media reports, the Governor of the Territory submitted his official position on the political status of American Samoa in a document dated 13 June 2013 entitled "Decolonization issue regarding American Samoa", which was forwarded in the same month to the Office of Insular Affairs of the United States Department of the Interior. He noted that American Samoa was not a colony of the United States, but rather a territory, a status that had been fashioned voluntarily because of economic overtones. The Governor of the Territory stated his appreciation for the continued diligence of the United Nations in working to ensure that the administering Powers revisited existing relationships with their territories or insular possessions so that every opportunity was provided for the latter to opt out if they so desired. In his view, the United Nations was genuinely committed to ensuring that the general welfare of such territories was secured through the development of their financial systems, the strengthening of their Governments and the building of self-sustaining economies.

12. The Governor pointed out that the current status of American Samoa provided more self-determining authority to American Samoa to make its own decisions. The prevailing perception that American Samoa was a colony by definition stemmed from the informal character of the relationship with the United States, with the absence of an organic act that formally defined the relationship. In a de facto sense, he said, American Samoa was part of the United States, substantially self-governing and not a colony in any real sense. He noted that American Samoa had freely, through its deeds of cession, bequeathed its sovereignty to the United States; it had not been acquired through any military conquest. Being part of the United States family was really a matter of self-determination.

13. The Governor also noted that, while the federal Government of the United States had lived up to its commitment to American Samoa with regard to the provision of funds, there were current issues decided at the congressional level that had negatively affected the ability of American Samoa to advance its social and economic development prospects. He pointed out, however, that American Samoa had representation in the United States Congress to register its objections to measures that adversely affected its ability to improve the quality of life in the Territory.

14. The Governor recalled the recommendation made in 2006 by the Future Political Status Study Commission that American Samoa continue as an unorganized and unincorporated territory and that a process of negotiation with the United States Congress for a permanent political status be initiated, in addition to the points forming the basis for such negotiations (see A/AC.109/2008/3). He further expressed his personal preference for the United States Congress, which had the ultimate authority to decide on the type of political status that the United States would have with American Samoa, to relinquish that authority to the people of American Samoa in order to empower them to make the decision that they deemed appropriate.

15. During the regional Pacific seminar on decolonization, held in Fiji from 21 to 23 May 2014, the representative of the Governor of American Samoa recognized that at no point in time had the United States acted contrary to the expressed wishes of the people of American Samoa. However, he also observed that, in his view, the current legal status of American Samoa had caused the Territory to be affected by the actions of the United States Congress in unforeseen ways, owing to its size, location, geography and economic circumstance. He further stated that now was the time to take the next step of serious discussion about the future political status of the Territory, a process that would commence in 2015.

II. Budget

16. The final version of the budget for the fiscal year 2015, which began on 1 October 2014, amounted to $424.48 million. According to the Office of Insular Affairs of the Department of the Interior, grant funds are provided each year to American Samoa for the operation of the local government, including the judiciary, to fill the gap between budget needs and local revenues. The Office's 2015 budget request for American Samoa operations is $22.8 million, with 61.5 per cent allocated to basic operations and 34.5 per cent to operations of the Lyndon Baines Johnson Tropical Medical Center. According to the Office, the operation grant was maintained at a constant level between 2014 and 2015 in order to promote self-sufficiency, requiring American Samoa to absorb the costs of inflation or costs associated with the growing population. The Office has designated American Samoa as a high-risk grantee in an effort to improve accountability for federal funds. Such designation allows the Office to require grantees to comply with special conditions for future or existing grants. The special conditions may include payment of grant funds on a reimbursable basis; withholding of approval to proceed from one project phase to another until receipt of acceptable evidence of current performance; additional project monitoring; and requiring grantees to obtain technical or management assistance. The high-risk designation will be removed once the Government of American Samoa:

(a) Has completed single audits by the statutory deadline for the two most recent consecutive years, resulting in opinions that are not disclaimed and do not contain qualifications that the Office determines in its reasonable discretion to be material;

(b) Has a balanced budget, as confirmed by independent auditors, for the two most recent consecutive years, without regard for non-recurring windfalls such as insurance settlements;

(c) Is in substantial compliance with the memorandum of agreement, signed in 2002 between the territorial Government and the Office, and the fiscal reform plan.

III. Economic conditions

A. General

17. As noted in previous working papers, the President of the United States signed the Insular Areas Act into law in 2012, postponing the minimum wage increases for

2012, 2013 and 2014. Annual wage increases of $0.50 will recommence on 30 September 2015 and will continue every three years until all rates have reached the federal minimum rate. The wage rates are set for particular industries, not for an employee's particular occupation. The rates are minimum rates; an employer may choose to pay an employee at a rate higher than the rate or rates for its industry.

18. In March 2014, the United States Government Accountability Office published a report on the impact of the minimum wage increases, namely, changes in employment and earnings and changes in key industries since the most recent federal minimum wage increase in 2009 and since the increases began in 2007. The findings set out in that report are reflected throughout the present working paper.

19. According to the report, American Samoa has separate minimum wages for 18 separate industries, currently ranging from $4.18 to $5.59 per hour. The tuna canning industry, the largest source of private sector employment in the Territory, has a current minimum wage of $4.76 per hour and mostly employs foreign labour from the neighbouring islands of Samoa. There is currently one operating cannery, and an additional fish company has begun limited operations. Each of the minimum wage rates in American Samoa will next be increased by $0.50 per hour on 30 September 2015, with further increases every 3 years. Under current law, the minimum wage in the tuna canning industry will reach the United States minimum of $7.25 per hour in 2027.

20. In comments to the report, the Government of American Samoa noted that whereas the report captured the consensus among American Samoan stakeholders to postpone the 2015 minimum wage increase, there were a number of concerns about the information sources used in the report. The Government stated that there was significant evidence that the 2010 United States census grossly undercounted the population of American Samoa. The territorial Government restated its opposition to further minimum wage increases under the present schedule and proposed that American Samoa set its own minimum wage schedule, citing the vulnerability of the Territory to elements of the international and national marketplace and United States international trade and national budget policies. The Government stated that tethering the American Samoa minimum wage to that of the United States was misguided, and it was argued that because of the differences between the economies of the United States and American Samoa, the minimum wage of the Territory could never equal the United States minimum wage. The Government proposed instead that American Samoa be allowed to develop its own minimum wage schedule with appropriate guidance and oversight provided by the United States Department of Labor and the United States Department of the Interior.

21. In September 2014, the Bureau of Economic Analysis of the United States Department of Commerce released gross domestic product (GDP) estimates for the Territory for 2013 and estimates of GDP by industry and compensation by industry for 2012. The estimates of GDP for American Samoa showed that real GDP decreased by 2.4 per cent in 2013. The decline in the economy of the Territory reflected a decrease in territorial government spending that was partly offset by increases in consumer spending and private fixed investment.

22. In November 2014, the Territorial Economic Development Implementation Task Force submitted a comprehensive platform for the Territory entitled "Economic Development Implementation Plan for American Samoa, Fiscal Years 2014-2017". The plan focused on the following areas: transportation services and

infrastructure, new business and industry, federal Government constraints and business climate, agriculture, tourism, fisheries and workforce development.

23. According to the Department of Commerce of the Government of American Samoa, during the period from 2007-2012, exports remained significantly higher than import totals. Canned tuna accounted for more than 95 per cent of total exports for all six years. American Samoa currently exports to the United States. Imports however, are shipped to the Territory from diverse trading partners that include the United States, the Republic of Korea and New Zealand.

B. Fisheries and agriculture

24. According to the report of the United States Government Accountability Office (see para. 18), cannery officials stated that wage increases were among the factors affecting the tuna canning industry in American Samoa, and that labour costs, including the minimum wage increases, placed the Territory at a significant cost disadvantage in comparison with other canned tuna exporting countries.

25. Almost 90 per cent of all farms in the Territory operate on a subsistence basis. Prospects for agricultural development continue to be limited because much of the land is volcanic and mountainous and only a small amount of level land is suitable for cultivation. Farmers in American Samoa benefit from assistance provided by the Natural Resources Conservation Service of the United States Department of Agriculture and its environmental quality incentives programme.

C. Tourism

26. The American Samoa Statistical Yearbook 2012, published by the Department of Commerce of American Samoa, found that the United States continued to be the primary tourism market for the Territory, holding 56 per cent of the market share, followed by New Zealand with 29 per cent, Australia with 11 per cent and other countries with the remaining 4 per cent.

D. Transport and communications

27. There are approximately 180 km of public and primary paved roads and 235 km of secondary village roads in American Samoa. Pago Pago harbour, an all-weather deep-draught harbour, has a main dock which is 1,000 feet long, handling ships of up to a 32-foot draught. The harbour provides the full complement of equipment and facilities. The ship repair facility features a 3,000-ton marine railway.

28. The four airports in the Territory are situated on the islands of Tutuila, Ofu, Olosega and Ta'u. Pago Pago International Airport is owned and operated by the territorial Government. The main airport is regularly served by a number of airlines that link American Samoa with Hawaii and the continental United States, in addition to countries in the South Pacific. Within the Territory, regular flights to Ofu, Olosega and Ta'u are also available.

29. The Territory's air transport service to and from the United States is severely restricted by United States cabotage laws that prohibit foreign carriers from transporting passengers between American Samoa and other parts of the United States, according to the Comprehensive Economic Development Strategy document.

30. The Territory has three FM radio stations and three AM radio stations, serving some 57,000 radios. One government-owned television station broadcasts more than three channels to approximately 14,000 television sets. Internet access is provided by the American Samoa Telecommunications Authority, a semi-autonomous government agency.

E. Water, sanitation system and utilities

31. The American Samoa Power Authority provides water, wastewater, solid-waste and electricity services to customers on five of the seven islands. It provides drinking water to 90 per cent of the Territory from wells, with the remaining 10 per cent being serviced by outer-village systems.

32. American Samoa depends entirely on diesel-generated power. Through the American Samoa Territorial Office of Fiscal Reform, the American Samoa Power Authority applied to the Federal Emergency Management Agency of the United States for funds to construct and operate a 23.5 MWh power plant to replace the capacity lost when the Satala power plant was severely damaged by the earthquake, tsunami and flood of 29 September 2009. According to the environmental assessment prepared by the Agency in December 2013, the plant sustained severe damage in the disaster and was subsequently demolished, eliminating its ability to meet the energy demands of American Samoa. Since then, the Authority has been meeting demand through temporary generators, an inefficient and unfeasible long-term solution. The environmental assessment identified five options for the construction and operation of a replacement power plant that would return the Authority's power distribution network to its pre-disaster capacity. According to a press release from the office of the Territory's delegate to the United States House of Representatives, dated 1 April 2014, the Federal Emergency Management Agency of the United States awarded $25.2 million in additional federal funding to the American Samoa Power Authority to replace the Satala power plant. Given that waste management is recognized as a major public health and environmental concern for Pacific island countries and territories, American Samoa is part of the region's strategy for solid-waste management, which sets the strategic direction for the period 2010-2015.

IV. Social conditions

A. General

33. Known as *fa'asamoa*, the Samoan way of life is based on the notion of mutual respect and sharing among the *aiga* (extended families), each featuring a common allegiance to a *matai* (chief), and it influences every aspect of the socioeconomic fabric of the Territory. Since 2008, the legislature has been working to further strengthen the use of the Samoan language in public schools, in tandem with English.

34. In 2011, the Pacific office of the United Nations Children's Fund and the Secretariat of the Pacific Community published *The State of Pacific Youth 2011: Opportunities and Obstacles*, a report highlighting significant problems facing young people in the Pacific, including American Samoa, such as the high number of teenage pregnancies, the high proportion of female teenagers who are raped (26 per cent) and alcohol abuse.

35. According to the American Samoa Statistical Yearbook 2012, about 57.8 per cent of the population, or 54.4 per cent of families, were below the United States poverty level in 2009. Almost 18 per cent of families are headed by a single female.

B. Labour and immigration

36. According to the report of the United States Government Accountability Office (see para. 18), American Samoa employment and earnings have decreased since 2007, but employment increased slightly from 2011 to 2012. American Samoa tax data combined with questionnaire data of the Office showed that the total number of employees in American Samoa increased by 1.5 per cent from 2011 to 2012 (from 15,552 to 15,790). However, from 2007 to 2012, employment declined by 11 per cent.

37. American Samoa has its own immigration laws and conditions for entry to the Territory, which are not the same as those applicable to the United States. As previously reported, a new immigration law for American Samoa has entered into force, giving the Attorney General, rather than a government-appointed board, full authority over the granting of permanent resident status. In the Comprehensive Economic Development Strategy document it was reported that local control of immigration was an important advantage to American Samoa, especially in view of its limited labour force skill range and the need to bring in skilled workers and management for many industries. It further recommended revising the immigration law, policy and procedures to better accommodate business labour requirements and expressed concern that local immigration and customs control in American Samoa could be federalized, a scenario that could have very severe adverse effects on the local labour market.

C. Education

38. Education in American Samoa is compulsory for those 6 to 18 years of age. The education system is broadly based on that of the United States. A total of 95.7 per cent of the student population is Samoan, whereas 4.3 per cent of students are from China, the Philippines, the Republic of Korea and other Pacific islands.

39. American Samoa has a literacy rate of approximately 97 per cent. There are five school districts, each centred on a high school together with lower-level elementary or "feeder schools". The Department of Education of American Samoa is comprised of 22 early childhood education centres, 22 elementary schools, and six high schools. The education department serves more than 15,531 students from kindergarten to grade 12, early childhood education and special education programmes. The Department has 563 teachers in elementary education, 248 teaching personnel in secondary education, 18 in vocational education, 202 in special education and 118 in early childhood education.

40. During the regional Pacific seminar on decolonization (see para. 15 above) the representative of the Governor of American Samoa observed that social and educational advancement had been significant over the recent half century. He noted in particular that American Samoa had an improved standard of living and mandatory education from kindergarten through grade 12, including United States accredited high schools and a United States accredited college, the American Samoa Community College, which offers two-year degree courses in the arts and sciences and certificate programmes of proficiency in vocational and clerical skills, business and nursing. The College also offers a Bachelor of Elementary Education degree.

D. Public health

41. According to the World Health Organization (WHO) Country Cooperation Strategy for American Samoa for 2013-2017, the most serious health issues are related to the increase in chronic and non-communicable diseases, owing to improper nutrition and physical inactivity. Significant increases have been seen in obesity, hypertension, cardiovascular diseases, cerebrovascular diseases, diabetes mellitus and its complications, arthritis and some forms of cancer.

42. Some 16 per cent of the Lyndon Baines Johnson Tropical Medical Center budget comes from the federal Government, and most of the funds are used to purchase medical supplies. Vaccines and pharmaceuticals are purchased in the United States, given that the Food and Drug Administration prohibits the purchase of medicines elsewhere. Logistical and financial factors cause frequent scarcity problems.

43. According to WHO, the morbidity pattern has fundamentally changed over the past three decades, with an increase in non-communicable diseases stemming from modernization and lifestyle changes. Inappropriate nutrition and physical inactivity are the leading cause of significant increases in obesity in both sexes, especially young people.

E. Crime and public safety

44. The Territory continued to enhance cooperation with the Pacific Islands Chiefs of Police organization and the United States Department of Justice through its Office of Territorial and International Criminal Intelligence and Drug Enforcement.

45. In 2012, it was announced that all Federal Bureau of Investigation operations and investigative efforts in American Samoa would be handled by the Bureau's office in Honolulu, Hawaii. The decision for the consolidation was made by the United States Congress for budgetary reasons.

V. Environmental protection and disaster preparedness

46. The American Samoa Environmental Protection Agency, funded by the United States Environmental Protection Agency, is mandated to protect human health and to safeguard the natural environment in particular air, water and land.

47. Like all South Pacific countries, American Samoa faces the problem of safe disposal of solid and liquid waste, in particular as a result of urbanization.

According to the United Nations Environment Programme, point source pollution from industrial waste and sewage, inappropriately sited and poorly managed garbage dumps and disposal of toxic chemicals is a significant contributor to marine pollution and coastal degradation. There is growing concern that toxic and hazardous waste may be brought to the region from developed countries for disposal.

48. The Federal Emergency Management Agency of the United States announced on 10 September 2014 that federal disaster aid had been made available to American Samoa to supplement territory and local recovery efforts in the area affected by the severe storms, flooding and landslides that occurred during the period from 29 July to 3 August 2014.

VI. Relations with international organizations and partners

49. American Samoa has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1988. International labour conventions and recommendations are applicable to it. The Territory belongs to various regional bodies of the United Nations system, including WHO, for which it falls under the auspices of the Regional Office for the Western Pacific and the Western Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies.

50. American Samoa is a member of several regional organizations, including the Secretariat of the Pacific Community, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association of Non-governmental Organizations, the Asia South Pacific Association for Basic and Adult Education, the Pacific Asia Travel Association and the South Pacific Regional Environment Programme. The Territory participates in the Pacific Islands Applied Geoscience Commission and the Pacific Community Coastal Fisheries Programme. American Samoa also belongs to United States organizations, such as the National Governors Association and the Western Governors' Association. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to a number of countries in the Pacific region. American Samoa hosted the seventh Pacific water conference and expo of the Pacific Water and Wastes Association from 9 to 11 September 2014.

51. The Territory also holds observer status with the Pacific Islands Forum and the Alliance of Small Island States.

VII. Future status of the Territory

A. Position of the territorial Government

52. Section I of the present working paper reflects recent developments in American Samoa concerning its future political status.

B. Position of the administering Power

53. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the United States Assistant

Secretary of State for Legislative Affairs Jeffrey T. Bergner set forth the position of the Government of the United States on the status of American Samoa and other United States insular areas. In his letter, the Assistant Secretary of State indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue, and not one that came under the purview of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. He also stated that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and no mandate to engage the United States in negotiations on their status. He further stated that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions in the Non-Self-Governing Territories, the federal Government submitted annual updates on United States territories to the Special Committee as a demonstration of United States cooperation as an administering Power and to correct any errors in information that the Special Committee might have received from other sources.

VIII. Action taken by the General Assembly

54. On 5 December 2014, the General Assembly adopted resolutions 69/105 A and B without a vote, on the basis of the report of the Special Committee (A/69/23) and the subsequent recommendation by the Fourth Committee. Section I of resolution 69/105 B concerns American Samoa. In that section, the General Assembly:

(a) Welcomed the work of the territorial Government with respect to moving forward on political status, local autonomy and self-governance issues with a view to making political and economic progress and in particular the announcement of a dialogue, to commence in 2015, among the people of American Samoa on the Territory's future political status;

(b) Expressed once again its appreciation for the invitation extended in 2011 by the Governor of American Samoa to the Special Committee to send a visiting mission to the Territory, called upon the administering Power to facilitate such a mission if the territorial Government so desired, and requested the Chair of the Special Committee to take all the steps necessary to that end;

(c) Requested the administering Power to assist the Territory by facilitating its work concerning a public awareness programme, consistent with Article 73 *b* of the Charter of the United Nations, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(d) Called upon the administering Power to assist the territorial Government in the diversification and sustainability of the economy of the Territory and to address employment and cost-of-living issues.